

109TH CONGRESS
1ST SESSION

S. 1014

To provide additional relief for small business owners ordered to active duty as members of reserve components of the Armed Forces, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 12, 2005

Ms. SNOWE introduced the following bill; which was read twice and referred to the Committee on Small Business and Entrepreneurship

A BILL

To provide additional relief for small business owners ordered to active duty as members of reserve components of the Armed Forces, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Supporting Our Patri-
5 otic Businesses Act of 2005”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) From September 2001 through November
9 2004, approximately 410,000 members of the re-

1 serve components of the Armed Forces, including
2 the National Guard and Reserves, have been mobi-
3 lized in support of United States military operations.

4 (2) According to 2004 data from the Manpower
5 Data Center of the Department of Defense, an esti-
6 mated 35 percent of Guard members and Reservists
7 are either self-employed or own or are employed by
8 a small business.

9 (3) The majority of privately employed National
10 Guard and Reserve members either work for a small
11 business or are self-employed.

12 (4) As a result of activations, many small busi-
13 nesses have been forced to go without their owners
14 and key personnel for months, and sometimes years,
15 on end.

16 (5) The effects have been devastating to such
17 patriotic small businesses.

18 (6) The Office of Veterans Business Develop-
19 ment of the Small Business Administration has
20 made a concerted effort to reach out to small busi-
21 nesses affected by deployments, but given the sheer
22 numbers of those deployed, their resources have been
23 stretched thin.

24 (7) In addition, the Office of Veterans Business
25 Development has been required to broaden its deliv-

1 ery of services, as directed by Executive Order
 2 13360, to provide procurement training programs
 3 for service-disabled veterans.

4 (8) This Act will help to stem the effects of Na-
 5 tional Guard and Reservist deployments on small
 6 businesses, and better assist veterans and service-
 7 disabled veterans with their business needs.

8 **SEC. 3. INCREASED FUNDING FOR THE OFFICE OF VET-**
 9 **ERANS BUSINESS DEVELOPMENT.**

10 There is authorized to be appropriated to the Office
 11 of Veterans Business Development of the Small Business
 12 Administration, and to remain available until expended—

13 (1) \$2,000,000 for fiscal year 2006;

14 (2) \$2,100,000 for fiscal year 2007; and

15 (3) \$2,200,000 for fiscal year 2008.

16 **SEC. 4. PERMANENT EXTENSION OF SBA ADVISORY COM-**
 17 **MITTEE ON VETERANS BUSINESS AFFAIRS.**

18 (a) ASSUMPTION OF DUTIES.—Section 33 of the
 19 Small Business Act (15 U.S.C. 657c) is amended—

20 (1) by striking subsection (h); and

21 (2) by redesignating subsections (i) through (k)
 22 as subsections (h) through (j), respectively.

23 (b) PERMANENT EXTENSION OF AUTHORITY.—Sec-
 24 tion 203 of the Veterans Entrepreneurship and Small

1 Business Development Act of 1999 (15 U.S.C. 657b note)
 2 is amended by striking subsection (h).

3 **SEC. 5. PROFESSIONAL AND OCCUPATIONAL LICENSING.**

4 (a) IN GENERAL.—Title VII of the Servicemembers
 5 Civil Relief Act (50 U.S.C. App. 591 et seq.) is amended
 6 by adding at the end the following new section:

7 **“SEC. 707. CONTINUING EDUCATION REQUIREMENTS FOR**
 8 **PROFESSIONAL AND OCCUPATIONAL LI-**
 9 **CENSES.**

10 “(a) APPLICABILITY.—This section applies to any
 11 servicemember who, after the date of enactment of this
 12 section, is ordered to active duty (other than for training)
 13 pursuant to section 688, 12301(a), 12301(g), 12302,
 14 12304, 12306, or 12307 of title 10, United States Code,
 15 or who is ordered to active duty under section 12301(d)
 16 of such title, during a period when members are on active
 17 duty pursuant to any such section.

18 “(b) CONTINUING EDUCATION REQUIREMENTS.—A
 19 servicemember described in subsection (a) may not be re-
 20 quired to complete the satisfaction of any continuing edu-
 21 cation requirements imposed with respect to the profession
 22 or occupation of the servicemember that accrue during the
 23 period of active duty of the servicemember as described
 24 in that subsection—

25 “(1) during such period of active duty; and

1 “(2) during the 120-day period beginning on
 2 the date of the release of the servicemember from
 3 such period of active duty.

4 “(c) ACTIVE DUTY DEFINED.—In this section, the
 5 term ‘active duty’ has the meaning given that term in sec-
 6 tion 101(d) of title 10, United States Code.”.

7 (b) CLERICAL AMENDMENT.—The table of contents
 8 for such Act is amended by adding at the end the following
 9 new item:

“Sec. 707. Continuing education requirements for professional and occupa-
 tional licenses.”.

10 **SEC. 6. RELIEF FROM TIME LIMITATIONS FOR VETERAN-**
 11 **OWNED SMALL BUSINESSES.**

12 Section 3(q) of the Small Business Act (15 U.S.C.
 13 632(q)) is amended by adding at the end the following:

14 “(5) RELIEF FROM TIME LIMITATIONS.—

15 “(A) IN GENERAL.—Any time limitation
 16 on any qualification, certification, or period of
 17 participation imposed under this Act on any
 18 program available to small business concerns
 19 shall be extended for a small business concern
 20 that—

21 “(i) is owned and controlled by—

22 “(I) a veteran who was called or
 23 ordered to active duty under a provi-
 24 sion of law specified in section

1 101(a)(13)(B) of title 10, United
2 States, on or after September 11,
3 2001; or

4 “(II) a service-disabled veteran
5 who became such a veteran due to an
6 injury or illness incurred or aggra-
7 vated in the active miliary, naval, or
8 air service during a period of active
9 duty pursuant to a call or order to ac-
10 tive duty under a provision of law re-
11 ferred to in subclause (I) on or after
12 September 11, 2001; and

13 “(ii) was subject to the time limitation
14 during such period of active duty.

15 “(B) DURATION.—Upon submission of
16 proper documentation to the Administrator, the
17 extension of a time limitation under subpara-
18 graph (A) shall be equal to the period of time
19 that such veteran who owned or controlled such
20 a concern was on active duty as described in
21 that subparagraph.”.

1 **SEC. 7. COUNSELING OF MEMBERS OF THE NATIONAL**
2 **GUARD AND RESERVES ON NOTIFICATION OF**
3 **EMPLOYERS REGARDING MOBILIZATION.**

4 (a) COUNSELING REQUIRED.—The Secretary of each
5 military department shall provide each member of a re-
6 serve component of the Armed Forces under the jurisdic-
7 tion of the Secretary who is on active duty for a period
8 of more than 30 days, or on the reserve active-status list,
9 counseling on the importance of notifying such member's
10 employer on a timely basis of any call or order of such
11 member to active duty other than for training.

12 (b) FREQUENCY OF COUNSELING.—Each member of
13 the Armed Forces described in subsection (a) shall be pro-
14 vided the counseling required by that subsection not less
15 often than once each year.

16 **SEC. 8. STUDY ON OPTIONS FOR IMPROVING TIMELY NO-**
17 **TICE OF EMPLOYERS OF MEMBERS OF THE**
18 **NATIONAL GUARD AND RESERVES REGARD-**
19 **ING MOBILIZATION.**

20 (a) STUDY REQUIRED.—

21 (1) IN GENERAL.—The Secretary of Defense
22 shall conduct a study of the feasibility and advis-
23 ability of various options for improving the time in
24 which employers of members of the reserve compo-
25 nents of the Armed Forces are notified of the call

1 or order of such members to active duty other than
2 for training.

3 (2) PURPOSE.—The purpose of the study under
4 paragraph (1) shall be to identify mechanisms, if
5 any, for eliminating or reducing the time between—

6 (A) the date of the call or order of mem-
7 bers of the reserve components of the Armed
8 Forces to active duty; and

9 (B) the date on which employers of such
10 members are notified of the call or order of
11 such members to active duty.

12 (b) REPORT.—Not later than 180 days after the date
13 of the enactment of this Act, the Secretary shall submit
14 to the appropriate committees of Congress a report on the
15 study conducted under subsection (a). The report shall in-
16 clude—

17 (1) a description of the study, including the op-
18 tions addressed under the study; and

19 (2) such recommendations for legislative or ad-
20 ministrative action as the Secretary considers appro-
21 priate in light of the results of the study.

22 (c) APPROPRIATE COMMITTEES OF CONGRESS DE-
23 FINED.—In this section, the term “appropriate commit-
24 tees of Congress” means—

1 (1) the Committees on Armed Services and
2 Small Business and Entrepreneurship of the Senate;
3 and

4 (2) the Committees on Armed Services and
5 Small Business of the House of Representatives.

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